

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**KESHIA L. SMITH**

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**V.**

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**CIVIL ACTION NO. 2:06-CV-291**

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**KANSAS CITY SOUTHERN, THE  
KANSAS CITY SOUTHERN  
RAILWAY COMPANY, AMERICAN  
ELECTRIC POWER,  
SOUTHWESTERN ELECTRIC  
POWER, AMERICAN ELECTRIC  
POWER SERVICE CORP.,  
PROFESSIONAL TRANSPORTATIO  
INC., RICHARD C. JOHNSON,  
JOSE NATAL, and JOHN DOE**

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**ORDER ADOPTING REPORTS AND**  
**RECOMMENDATIONS OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Reports of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, have been presented for consideration (Doc. Nos. 74, 75). The parties have made no objections to the Reports and Recommendations. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Reports of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is hereby **ORDERED** that Defendant SWEPCO and the AEP Defendants' Motion for Summary Judgment (Doc. No. 47) be **GRANTED** as to all of Plaintiff's causes of action. It is further **ORDERED** that Defendants' Motion for Summary Judgment be **GRANTED** as to Plaintiff's claim for exemplary damages.

It is further **ORDERED** that Defendant KCSR's Motion for Summary Judgment (Doc. No.

43) be **GRANTED** as to all of Plaintiff's causes of action. It is further **ORDERED** that Defendant KCSR's Motion for Summary Judgment be **GRANTED** as to Plaintiff's claim for exemplary damages. It is further **ORDERED** that Plaintiff's Motion to Continue (Doc. No. 51) be **DENIED**.

**So ORDERED and SIGNED this 30th day of January, 2008.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**